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Amdt. Dated February 2, 2006

REMARKS/ARGUMENTS

The undersigned would like to express his appreciation to the Examiner, and to SPE Richard Hjerpe, for their time and useful comments during the personal interview on January 19, 2006.

Claims 4-32 were presented for examination. In the Final Action mailed November 22, 2005, claims 4-6, 8, 11-13, and 16-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Roses (U.S. PG-PUB No. 2003/0055871) in view of Cheatle (U.S. PG-PUB No. 2002/0191861); claims 7, 9, 10, 14 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Roses in view of Cheatle and further in view of Mayle et al (U.S. Patent 6,018,774); and claims 30-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cheatle in view of Gustafson et al (U.S. PG-PUB No. 2002/0025085).

Claims 4, 8, 11, 17, 19, 22, and 27-30 have been amended to more clearly set forth the claimed image cropping methods and systems and new claims 33-38 have been added. It is believed that all pending claims are in condition for allowance. The fee for the filing of a Request for Continued Examination is submitted herewith.

During the interview, the undersigned discussed the business problem that was solved by the claimed invention. To briefly recap, the problem faced was a need for methods and systems that would (a) allow digital images having a wide variety of different types of image content to be quickly and economically made available for use by an automatic cropping system to create cropped versions for incorporation into a variety of product layouts, (b) have the flexibility to create cropped versions of images for many possible image container sizes and aspect ratios, including new image container sizes and aspect ratios that might be introduced in the future, (c) produce automatically cropped versions that contain and convey useful information, emotions, or concepts

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across a variety of cropped aspect ratios, and (d) be able to automatically identify images that cannot be cropped in a suitable way for use with a particular container size or aspect ratio. The pending application describes systems and methods, summarized at [0061]-[0064], involving an initial visual examination of each image by a human reviewer to select the minimum image area that is needed to yield a meaningful cropped image, and therefore must appear in all cropped versions of the image, and an ideal image area that defines a region in the image that is a desirable cropping goal, but is not a hard cropping limit. Information defining the size and location of these areas within the image is stored and later used in the process of automatically creating a suitable cropped version of the image, if possible, to fit an image container.

Claims 4-6, 8, 11-13, and 16-29

Claims 4-6, 8, 11-13, and 16-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Roses in view of Cheatle.

Roses discloses a Web-based system allowing a user to select a product template, select an image, and place the image in the template to create a product design. Roses contains no teaching about the possible use of images having associated information defining specific portions of the image.

Cheatle discloses the automatic processing and evaluation of the pixels in the image to identify the outlines of objects in an image. Based on the outline of a detected object, Cheatle determines a minimum crop boundary around the identified object such that none of the object will be cropped and a maximum crop boundary such that areas identified by Cheatle as "must exclude" areas will be cropped out. As was demonstrated and discussed during the interview, a great many images, by the nature of their content, do not lend themselves to a productive use of this type of mechanical analysis. Cheatle has no concept of identifying an ideal image area that defines an area that is desirable, but is not a maximum cropping boundary.

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Neither Roses nor Cheatle, considered either alone or together, disclose or suggest the automated product design method of independent claim 4 reciting

"a plurality of retained images, each retained image having associated therewith retained information sufficient to define the size and location within the image of at least a minimum image area, the minimum image area having been chosen by an image preparer based on at least the image preparer's visual review of the image prior to the image being made available for selection",

or the automated product design method of independent claim 8 reciting

"a plurality of retained images, each retained image having associated therewith retained information sufficient to define the size and location within the image of at least an ideal image area, the ideal image area having been selected by an image preparer prior to the image being made available for selection",

or the automated product design method of independent claim 11 reciting

"a plurality of retained images, each retained image having associated therewith retained information sufficient to define the size and location within the image of at least a minimum image area and an ideal image area, the minimum and ideal image areas having been chosen by an image preparer based on at least the image preparer's visual review of the image prior to the image being made available for selection".

For similar reasons, Roses and Cheatle do not disclose or suggest the claimed methods of independent claims 17, 19, 22, and 27-29. In view of the above amendments and comments regarding independent claims 4, 8, 11, 17, 19 and 22, dependent claims 5-6, 12-13, 16, 18, 20-21, and 23-26 are likewise considered to be patentable over the cited references.

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Claims 7, 9, 10 14 and 15

Claims 7, 9, 10, 14 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Roses in view of Cheatle and further in view of Mayle.

Mayle describes a system for creating an electronic message by combining text and images and was cited as disclosing the sizing of an image before a cropping operation and cropping equally from opposite edges of an image. In view of the above amendments and comments regarding independent claims 4, 8, and 11, dependent claims 7, 9, 10, 14 and 15 are likewise considered to be patentable over the cited references.

Claims 30-32

Claims 30-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cheatle in view of Gustafson.

Gustafson discloses a web-based system having an image cropping tool, shown in Fig. 6-1. The Gustafson user selects a fixed size cropping area from crop size menu 6200 and then manually positions the crop indicator in a desired position relative to the image to create a cropped version of the image for use with that user's product.

By contrast, independent claim 30, as amended, relates to a method for processing a plurality of digital images to prepare and store information related to the images for later use with an automated cropping system. Neither Gustafson nor Cheatle discloses a method involving using an image preparer to select for each image *"at least one portion of the image to be used by the automated cropping system during the process of preparing all cropped versions of the image"* and then *"storing the images and the definition of the at least one selection portion of each image"*.

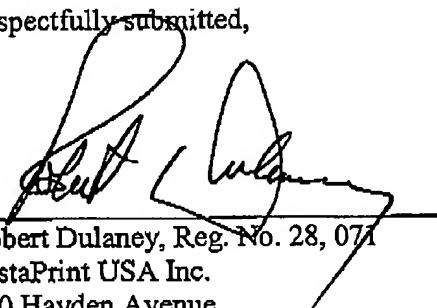
Finally, new dependent claims 33-38 have been added. Claims 33, 35 and 37 relate to producing one or more printed copies of a product design containing a cropped

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image version and claims 34, 36 and 38 relate to using keywords in the selection of the image.

In summary, it is believed that all pending claims are now in condition for allowance and favorable action on claims 4-38 is respectfully requested. If the Examiner believes a telephone call will server to advance the prosecution of this case, she is invited to telephone the undersigned at the number below.

Respectfully submitted,



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